



FREEDOM IN THE WORLD 2020

Luxembourg

FREE

98  
/100

<u>Political Rights</u>	38 /40
<u>Civil Liberties</u>	60 /60

LAST YEAR’S SCORE & STATUS

98 /100      Free

Global freedom statuses are calculated on a weighted scale. See the methodology.



# Overview

Luxembourg is a constitutional monarchy with a democratically elected government. Political rights and civil liberties are generally respected. Ongoing concerns include insufficient government transparency and inadequate safeguards against conflicts of interest.

## Key Developments in 2019

- Luxembourgers participated in European Parliament (EP) elections in May. The Democratic Party (DP), the senior partner in the country’s governing coalition, won a plurality of votes, and was closely followed by the opposition Christian Social People’s Party (CSV).
- In November, Luxembourg, along with 11 other European Union (EU) member states, blocked a proposed directive that would have mandated stronger tax and revenue disclosures for companies operating in the bloc.

## Political Rights

### A. Electoral Process

**A1** 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections?	4/4
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The prime minister is the head of government and serves five-year terms. The prime minister of the majority coalition formed after parliamentary elections is appointed prime minister by the hereditary monarch, the grand duke, whose powers are largely ceremonial.

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Incumbent prime minister Xavier Bettel of the DP was appointed to form a new government in October 2018 following that month's parliamentary election. The new government, which took office that December, was based on the existing coalition of the DP, the Luxembourg Socialist Workers' Party (LSAP), and the Greens (DG). The election was generally viewed as credible.

## A2 0-4 pts

**Were the current national legislative representatives elected through free and fair elections?**

**4/4**

The unicameral legislature, the Chamber of Deputies, consists of 60 members elected to five-year terms by proportional representation. In the October 2018 election, the DP led the ruling coalition parties with 12 seats, followed by the LSAP with 10 and the DG with 9. The main opposition party, the CSV, won 21 seats. The populist right-wing Alternative Democratic Reform Party (ADR) won 4 seats, while the Pirate Party and the Left each took 2. The contest was generally seen as free and fair, though the campaign was marked by some anti-Semitic vandalism of DP candidate posters.

Luxembourgers participated in the May 2019 European Parliament (EP) election; the DP won 21.4 percent of the vote, while the CSV won 21.1 percent, the DG won 18.9 percent, and the LSAP won 12.2 percent.

## A3 0-4 pts

**Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?**

**4/4**

The electoral laws and framework are considered fair, and they are generally implemented impartially. Voting is compulsory. In 2017, the government passed ~~new~~ <sup>TOP</sup> allowing postal ballots for all citizens.

A multiparty Constitutional Revision Committee completed its draft of a new constitution in 2018. The charter, which did not include major changes to the political

system, would take effect only after it had been approved by the parliament and by the public in a referendum. The draft remained pending at the end of 2019.

## B. Political Pluralism and Participation

**B1** 0-4 pts

**Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?**

**4/4**

The political system is open to the establishment of new parties, which do not face undue obstacles in their formation or activities. Three parties have traditionally dominated politics: the CSV, historically aligned with the Catholic Church; the LSAP, a formerly radical but now center-left party representing the working class; and the DP, which favors free-market economic policies. Three smaller parties, the DG, the ADR, and the Left, have also won representation since at least the 1990s.

**B2** 0-4 pts

**Is there a realistic opportunity for the opposition to increase its support or gain power through elections?**

**4/4**

The country has a record of peaceful transfers of power between rival parties. Both the DP and the DG were in the opposition before forming the governing coalition with the LSAP in 2013. The CSV, which had played a leading role in most governments since 1945, was forced into opposition in 2013 for the first time since 1979, and it remained out of government following the 2018 election.

**TOP**

**B3** 0-4 pts

**Are the people's political choices free from domination by forces that are**

**external to the political sphere, or by political forces that employ extrapolitical means?**

**4/4**

Citizens are generally able to make political choices without undue interference from any democratically unaccountable groups.

**B4** 0-4 pts

**Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities?**

**4/4**

Women engage actively in politics, and the government has taken measures to encourage greater participation. A 2016 law mandates that at least 40 percent of each party's electoral candidates be women; parties risk losing a portion of their public financing if they do not meet the quota. Eighteen women held parliamentary seats at the end of 2019. Citizens who belong to ethnic and other minorities, including LGBT+ people, enjoy full political rights and are free to participate in practice. Bettel became the nation's first openly gay prime minister in 2013.

About 49 percent of the population consists of foreign nationals, most of whom are citizens of other EU member states, with Portugal accounting for the largest single contingent. The law allows naturalization and dual nationality, and children automatically gain citizenship when a parent is naturalized. Foreign residents are entitled to vote in municipal elections.

## C. Functioning of Government

**C1** 0-4 pts

**Do the freely elected head of government and national legislative representatives determine the policies of the government?**

**TOP  
4/4**

The prime minister, cabinet, and parliament are able to determine and implement the government's policies without improper interference from unelected entities.

**C2** 0-4 pts

<b>Are safeguards against official corruption strong and effective?</b>	<b>3/4</b>
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Corruption is not widespread in Luxembourg, and allegations of corruption are generally investigated and prosecuted. However, the Council of Europe's Group of States Against Corruption (GRECO) has previously criticized the government for failing to develop a comprehensive strategy to prevent corruption. In addition, rules on accepting gifts, lobbying, and mitigating conflicts of interest after government officials leave office are lacking.

**C3** 0-4 pts

<b>Does the government operate with openness and transparency?</b>	<b>3/4</b>
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While the legislative process and government operations are largely transparent, there is no comprehensive freedom of information law in place, and in practice the media and civil society groups often have difficulty obtaining official information. Cabinet members are obligated to disclose any shares in companies that they own, but there are no penalties for those who do not cooperate.

In late November 2019, Luxembourg was one of 12 EU member states that blocked a proposed directive requiring firms to more fully disclose revenues and tax payments throughout the bloc. The directive was billed as an effort to reduce corporate tax avoidance within the EU.

## Civil Liberties

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# D. Freedom of Expression and Belief

**D1** 0-4 pts

<b>Are there free and independent media?</b>	<b>4/4</b>
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Freedom of the press is guaranteed by the constitution and generally respected in practice. A single conglomerate, RTL, dominates broadcast radio and television, though numerous print, online, and foreign news sources are also available and present a broad range of views. Internet access is not restricted.

Luxembourg's media market is regulated by the Independent Luxembourg Broadcasting Authority (ALIA). In May 2019, RTL committed to air French-language political advertisements ahead of that month's EP elections at ALIA's behest, after it previously declined to air a French-language advertisement from the Left party.

**D2** 0-4 pts

<b>Are individuals free to practice and express their religious faith or nonbelief in public and private?</b>	<b>4/4</b>
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Freedom of religion is largely respected in practice. The state has historically paid the salaries of clergy from a variety of Christian groups, but a 2016 law ended the practice for all clergy hired after that point. Under the law, the government continued to provide some funding to six major recognized religious communities, including the Muslim community, based on their size. Religious instruction in secondary and primary schools was phased out in 2016–17. In 2018, the parliament adopted **TOP** legislation that banned face coverings in schools, medical facilities, public buildings, public transport, and retirement homes. The law was widely understood to be aimed at Muslims, though the wearing of such garments is extremely rare in the country.

**D3** 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination?

**4/4**

Academic freedom is generally respected in practice.

**D4** 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?

**4/4**

Freedom of expression is largely respected, and individuals can voice their political views without fear of retribution.

## E. Associational and Organizational Rights

**E1** 0-4 pts

Is there freedom of assembly?

**4/4**

Freedom of assembly is guaranteed by the constitution and generally respected in practice.

**E2** 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work?

**4/4**  
**TOP**

Nongovernmental organizations (NGOs) are largely free to operate without any undue restrictions.



**E3** 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations?	4/4
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Workers are free to organize in trade unions and bargain collectively. The right to strike is guaranteed once conciliation procedures are formally exhausted. Employers are subject to penalties for antiunion discrimination.

## F. Rule of Law

**F1** 0-4 pts

Is there an independent judiciary?	4/4
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Judicial independence is generally upheld. Judges are appointed by the grand duke and cannot be removed arbitrarily.

**F2** 0-4 pts

Does due process prevail in civil and criminal matters?	4/4
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Due process is largely upheld in civil and criminal matters. Defendants have the right to a fair and public trial, and this right is generally respected. Trials can be lengthy because many defendants are foreign nationals, and cases often involve other foreign individuals or institutions. Police typically observe safeguards against arbitrary arrest and detention.

**F3** 0-4 pts**TOP**

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?	4/4
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There are no major threats to civilians' physical security. Prison conditions and protections against the illegitimate use of force are adequate, and violent crime is rare.

**F4** 0-4 pts

**Do laws, policies, and practices guarantee equal treatment of various segments of the population?**

**4/4**

Discrimination on the basis of race, religion, disability, age, sex, gender identity, or sexual orientation is prohibited by law. The rights of LGBT+ people are generally respected.

Women have benefited from reductions in the gender pay gap and an increase in their labor participation rate in recent years, though women still hold significantly fewer senior positions than men, for example on boards of directors.

## G. Personal Autonomy and Individual Rights

**G1** 0-4 pts

**Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?**

**4/4**

Individuals generally enjoy freedom of movement, and there are no significant restrictions on their ability to change their place of residence, employment, or institution of higher education.

**G2** 0-4 pts

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**Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?**

**4/4**

The rights to own property and operate private businesses are legally protected and respected in practice.

### G3 0-4 pts

**Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?**

**4/4**

Individual freedom on issues such as marriage and divorce is generally guaranteed. Same-sex marriage has been legal since 2014, and same-sex couples have full adoption rights. Abortions are legal on request within the first trimester of pregnancy; later abortions require two doctors to determine that the pregnancy threatens the woman's life or health. The authorities generally uphold laws and practices meant to address rape and domestic violence.

### G4 0-4 pts

**Do individuals enjoy equality of opportunity and freedom from economic exploitation?**

**4/4**

The country's residents largely enjoy equality of opportunity, and the government enforces legal protections against exploitative working conditions. Occasional cases of forced labor in the construction and food-service industries have been reported, especially among migrant workers.



**TOP**

#### On Luxembourg

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### Country Facts

Global Freedom Score

**98/100** Free

### Other Years

2019

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